

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

December 15, 2003

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Morrison, Associate Justice; Hull, Associate Justice and Rios, bailiff.

C040917 KAPLAN v. RIPPENGALE

Cause called. Jeffrey Rippengale, argued In Pro Per, as appellant. Charles R. Mack argued for respondent. Cause submitted.

At 9:57 a.m., the court recessed. At 10:01 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C041331 RIPPENGALE v. ROE et al.

Cause called. Jeffrey Rippengale, argued In Pro Per, as appellant. J. Scott Smith argued for respondents. Cause submitted.

At 10:19 a.m., the court recessed. At 10:22 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

C044242 MOORE v. THE SUPERIOR COURT OF SUTTER COUNTY and THE PEOPLE

Cause called. Michael L. Chastaine argued for petitioner. Maggy Krell, Deputy Attorney General, argued for Real Party in Interest. Cause submitted.

At 10:44 a.m., the court recessed. At 10:48 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

C042237 THE PEOPLE v. GALAVIZ

Cause called. Paul Bernardino, Deputy Attorney General, argued for respondent. William A. Malloy, court appointed counsel, argued for appellant. Cause submitted.

At 11:10 a.m., the court recessed until 9:30 a.m., Tuesday, December 16, 2003.

C043728 THE PEOPLE v. BERGESON

(Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Davis, Acting P.J.

Butz, J.

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December 15, 2003, continued

C043509 AYALA v. PENNEY & ASSOCIATES et al. (Not for Publication)

The judgment is affirmed. Defendants shall receive their costs on appeal.

SIMS, Acting P.J.

We concur: Raye, J.

Morrison, J.

December 16, 2003

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Hull, Associate Justice; Robie, Associate Justice; and Facey, Bailiff.

C043520 THE PEOPLE v. FREDERICKS

Cause called. Stephen A. Munkelt argued for appellant. John A. Thawley, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:40 a.m., the court recessed. At 9:43 a.m., the court reconvened with Hull, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C040633 THE PEOPLE v. ALVAREZ, JR.

Cause called. Oliver J. Northrup, court appointed counsel, argued for appellant. Lee E. Seale, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:15 a.m., the court recessed. At 10:17 a.m., the court reconvened with Morrison, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C041896 KILE et al. v. MOORE et al.

Cause called. Patricia A. Kile, argued In Pro Per as appellant. Robert G. Kile, argued In Pro Per as appellant. Jesmin Alam argued for respondents. Cause submitted.

At 10:38 a.m., the court recessed. At 10:43 a.m., the court reconvened with Nicholson, Associate Justice; Morrison, Associate Justice; and Robie, Associate Justice.

C041786 THE PEOPLE v. MOORE

Cause called. Charles M. Bonneau argued for appellant. Aaron R. MaGuire, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:25 a.m., the court recessed until 9:30 a.m., Thursday, December 18, 2003.

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The Minutes

December 16, 2003, continued

- C041522 THE PEOPLE v. SUTHERLAND (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Davis, J.
Hull, J.
- C041759 THE PEOPLE v. FOWLER (Not for Publication)**
The victim restitution order is affirmed.
HULL, J.
We concur: Davis, Acting P.J.
Robie, J.
- C042565 THE PEOPLE v. SERVIN (Not for Publication)**
The superior court is directed to amend its records to show that the two three-year terms for prior convictions were imposed under subdivision (c) of Health and Safety Code section 11370.2, to prepare an amended abstract of judgment reflecting this amendment, and to forward a copy of said amended abstract to the Director of the Department of Corrections. As amended, the judgment is affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
Robie, J.
- C043461 THE PEOPLE v. AMONSON (Certified for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Davis, Acting P.J.
Butz, J.
- C043852 THE PEOPLE v. HALL (Not for Publication)**
The judgment is affirmed. The trial court is directed to correct the abstract of judgment and to forward a certified copy to the Department of Corrections.
NICHOLSON, J.
We concur: Blease, Acting P.J.
Robie, J.
- C043898 THE PEOPLE v. NUNES, JR. (Not for Publication)**
The judgment is affirmed. The trial court is directed to correct the abstract of judgment and to forward a certified copy to the Department of Corrections.
NICHOLSON, J.
We concur: Blease, Acting P.J.
Robie, J.

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Davis, J.

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December 18, 2003, continued

- C043303 THE PEOPLE v. BULLINGTON (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Blease, Acting P.J.
Robie, J.
- C044071 THE PEOPLE v. FAISON (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Blease, Acting P.J.
Robie, J.
- C044159 THE PEOPLE v. MOORE (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We concur: Davis, Acting P.J.
Raye, J.
- C039340 BAUTISTA et al. v. COUNTY OF YOLO and PUBLIC EMPLOYEES
RETIREMENT SYSTEM (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Blease, Acting P.J.
Morrison, J.
- C043924 In re RUSSELL W., JR.; BUTTE COUNTY CHILDREN'S SERVICES DIVISION
v. FRANCES R. et al. (Not for Publication)**
The order terminating parental rights is vacated, and the matter is
remanded to the juvenile court with directions to order the social services agency
to make proper inquiry and to comply with the notice provisions of the Act. If after
proper inquiry and notice, a tribe determines that the minor is an Indian child as
defined by the Act, the juvenile court is ordered to conduct a new section 366.26
hearing in conformity with all provisions of the Act. If on the other hand, no
response is received or the tribes determine that the minor is not an Indian child,
all previous findings and orders shall be reinstated.
MORRISON, J.
We concur: Sims, Acting P.J.
Hull, J.

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December 19, 2003

- C041032 THE PEOPLE v. SMITH (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Davis, J.
Raye, J.
- C042109 THE PEOPLE v. WILLIAMS (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We concur: Scotland, P.J.
Sims, J.
- C042140 THE PEOPLE v. WOODS (Not for Publication)**
The judgment (order of probation) is modified... As modified, the judgment is affirmed. The trial court is directed to modify the minute order and order of probation.
HULL, J.
We concur: Sims, Acting P.J.
Davis, J.
- C043591 THE PEOPLE v. STOUGH (Not for Publication)**
The judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment, as follows...
The court is ordered to forward a certified copy of the amended abstract of judgment to the Department of Corrections.
BUTZ, J.
We concur: Scotland, P.J.
Morrison, J.
- C043726 THE PEOPLE v. HOLMES (Not for Publication)**
The appeal is dismissed.
HULL, J.
We concur: Sims, Acting P.J.
Davis, J.
- C043778 THE PEOPLE v. WINTERMUTE (Not for Publication)**
The judgment is reversed and the matter is remanded to the trial court to resentence defendant within 60 days of the receipt of the remittitur or at such later time as the court may for good cause allow.
HULL, J.
We concur: Blease, Acting P.J.
Davis, J.

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December 19, 2003, continued

- C044066 THE PEOPLE v. NETTLETON (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We concur: Scotland, P.J.
Morrison, J.
- C040291 MOHAMED, SR. v. ROGERS et al. (Not for Publication)**
The post judgment orders are affirmed.
BLEASE, Acting P.J.
We concur: Sims, J.
Hull, J.
- C041612 MURPHY et al. v. THAYER et al. (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We concur: Sims, Acting P.J.
Robie, J.
- C041118 THE PEOPLE v. TEJEDA**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.
- C042816 PELLANDINI v. VALADAO (Not for Publication)**
THE COURT:
The opinion of this court filed December 4, 2003, in the above entitled case is modified...
This modification does not effect a change in the judgment.
BY THE COURT:
BLEASE, Acting P.J.
NICHOLSON, J.
MORRISON, J.